

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 ANDREW RICK LOPEZ,

10 Plaintiff, No. 2:98-cv-2111 LKK EFB P

11 vs.

12 D. PETERSON, et al.,

13 Defendants. ORDER

14 _____ /
15 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
16 U.S.C. § 1983. He has again requested that the court appoint counsel.

17 As plaintiff has been previously informed, district courts lack authority to require counsel
18 to represent indigent prisoners in section 1983 cases. *Mallard v. United States Dist. Court*, 490
19 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an attorney to
20 voluntarily to represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d
21 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990).
22 When determining whether “exceptional circumstances” exist, the court must consider the
23 likelihood of success on the merits as well as the ability of the plaintiff to articulate his claims
24 pro se in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965,
25 970 (9th Cir. 2009). Having considered those factors, the court still finds there are no
26 exceptional circumstances in this case.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for appointment of
2 counsel, Dckt. No. 351, is denied.

3 DATED: September 5, 2012.

4 
5 EDMUND F. BRENNAN
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26